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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR04-144-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 KURC LeBRAY,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on December 20, 2007. The United States was represented by AUSA Michael Dion and the
16 defendant by Gilbert Levy. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about November 12, 2004 by the Honorable Marsha
18 J. Pechman on a charge of Conspiracy to Distribute Marijuana, and sentenced to 12 months and
19 one day custody, 3 years supervised release. (Dkt. 48.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant be prohibited from possessing a firearm, participate in drug testing, participate in
22 a substance abuse program, abstain from alcohol, submit to search, participate in a mental health

01 program, provide access to financial information, provide information about any business interests,
02 and disclose all assets and liabilities.

03 On June 26, 2007, the conditions of supervised release were modified to require
04 participation in a home confinement program with electronic monitoring for up to 180 days, and
05 participate in a mental health program. (Dkt. 49.) On August 15, 2007, defendant's probation
06 officer reported that defendant had tested positive for alcohol. Defendant was reprimanded,
07 placed in a structured testing program, referred for counseling, professional assessment, and
08 intensive outpatient treatment, and referred to a community based residential program. (Dkt. 50.)

09 In an application dated November 19, 2007 (Dkt. 51), U.S. Probation Officer Jerrod Akins
10 alleged the following violations of the conditions of supervised release:

11 1. Consuming marijuana on or before September 24, 2007, in violation of standard
12 condition no. 7.

13 2. Failing to participate as instructed in a substance abuse program, in violation of the
14 special condition that he participate as instructed in a program approved by the probation office
15 for treatment of narcotic addiction, drug dependency, or substance abuse.

16 Defendant was advised in full as to those charges and as to his constitutional rights.

17 Defendant admitted violation 1 and waived any evidentiary hearing as to whether it
18 occurred. He requested an evidentiary hearing on alleged violation 2.

19 I therefore recommend the Court find defendant violated his supervised release as alleged
20 in violation 1, and that the Court conduct a hearing limited to the issue of disposition. An
21 evidentiary hearing on alleged violation 2 has been scheduled for January 8, 2008.

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01 Pending a final determination by the Court, defendant has been released on the conditions
02 of supervision.

03 DATED this 20th day of December, 2007.

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05 Mary Alice Theiler
06 United States Magistrate Judge

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08 cc: District Judge: Honorable Marsha J. Pechman
AUSA: Michael Dion
09 Defendant's attorney: Gilbert Levy
Probation officer: Jerrod Akins